

# UNITED STATES BANKRUPTCY APPELLATE PANEL *for the Eighth Circuit*

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## STATISTICAL REPORT

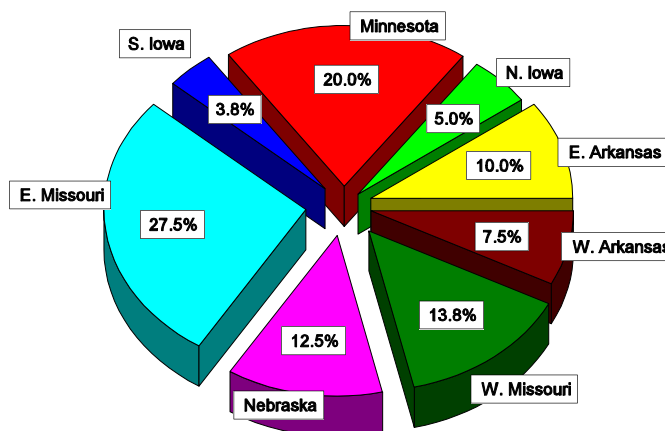
**JANUARY 1, 2002 thru DECEMBER 31, 2002**

### New Case Filings

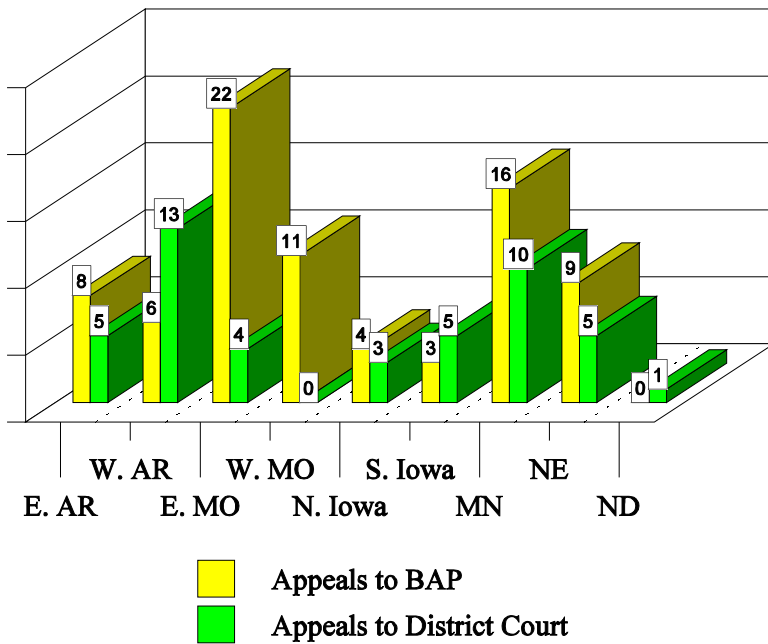
In 2002, eighty cases were docketed by the Bankruptcy Appellate Panel. Fifteen of those cases (19%) were filed by pro se litigants. Of the cases filed, fifty-five were appeals from contested matters and twenty-five were appeals from adversary proceedings. The graphics below illustrate the breakdown of case origin by district.

**New Cases**

Eastern Arkansas	8
Western Arkansas	6
Northern Iowa	4
Southern Iowa	3
Minnesota	16
Eastern Missouri	22
Western Missouri	11
Nebraska	10
North Dakota	0
<b>TOTAL</b>	<b>80</b>



## District Court Elections

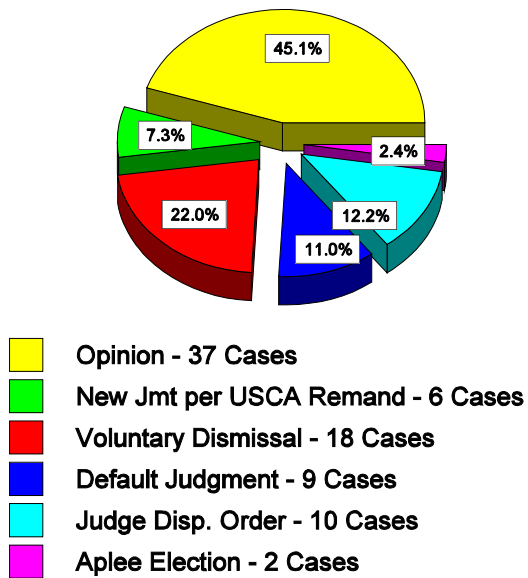


The chart to the left compares the number of appeals taken to the Bankruptcy Appellate Panel with those taken to the District Courts. In 2002, one hundred twenty-four appeals were taken from the Bankruptcy Courts. Seventy-nine of those cases (64%) were appealed to and remained with the Bankruptcy Appellate Panel; forty-five of the cases (36%) were appealed directly to or were transferred to the District Courts. In addition, one case which was opened in the BAP in 2001 was transferred to the District Court in 2002.

## Case Processing Time

In 2002, Administrative Panel matters were resolved, on average, in eight days. Listed in the table below are average processing times calculated for cases which were briefed, submitted on the merits and subsequently closed in 2002.

Interval:	1	2	3	Total Processing Time
From:	Docketing	Aplee's Brief	Submission	
To:	Aplee's Brief	Submission	Disposition	
Cases Submitted w/Argument	80 days 2.6 months	79 days 2.6 months	32 days 1 month	191 days 6.2 months
Cases Submitted w/o Argument	68 days 2.2 months	24 days .8 months	20 days .6 months	112 days 3.6 months
All Cases	75 days 2.4 months	57 days 1.9 months	27 days .9 months	159 days 5.2 months

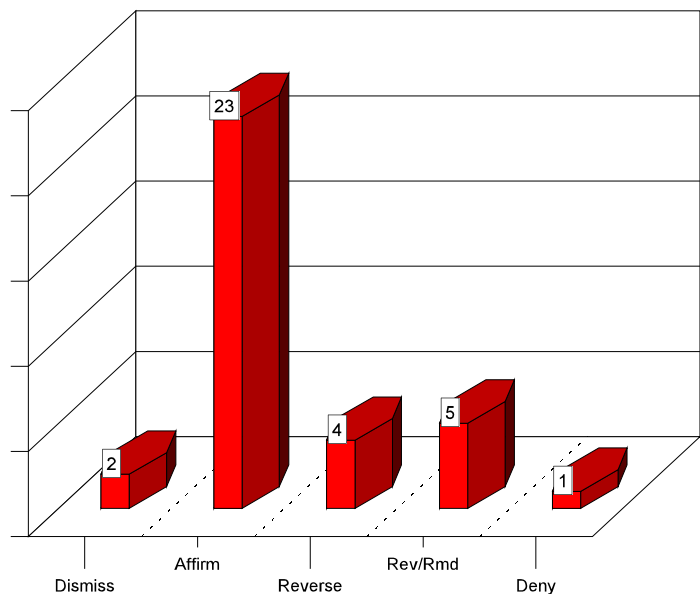


## Case Dispositions

Seventy-six cases were closed in 2002. In addition, six previously-closed cases were re-opened and dispositive orders were entered pursuant to remand orders from the 8<sup>th</sup> Circuit Court. The Panel wrote a total of thirty-five opinions which disposed of thirty-seven cases. In addition, ten dispositive orders were entered at the direction of the Panel. To the left is a breakdown of the method by which each case was closed.

## Opinion Breakdown

The chart to the right breaks down each opinion by its outcome. As shown in the chart, the majority of opinions (74%) either affirmed the Bankruptcy Court decision or dismissed the appeal.



## **Panel Referrals**

In 2002, twenty-one referrals were made to Administrative Panels; two of those cases were subsequently referred back to the panel, resulting in a total of twenty-three Administrative Panel referrals. Thirteen cases were submitted to panels without oral argument and eighteen cases were submitted with oral argument in 2002. Hearings were held in St. Paul (3), St. Louis, Kansas City (2), Little Rock and Des Moines.

## **Appeals to the U.S. Court of Appeals**

A total of forty-three appeals were taken to the U.S. Court of Appeals in bankruptcy cases in 2002. Of those appeals, twenty-five (58%) were from District Court decisions and eighteen (42%) were from Bankruptcy Appellate Panel decisions.

In addition to the eighteen appeals taken from Bankruptcy Appellate Panel to the Court of Appeals this year, seventeen Panel cases were pending before the Court of Appeals at the beginning of the year. Twenty-three cases were closed by the Court of Appeals during the last year, leaving a total of twelve cases pending at the close of 2002. Following is a breakdown of the method by which BAP cases appealed to the Court of Appeals were closed:

Affirmed . . . . .	14
Voluntarily Dismissed . . . . .	2
Dismissed . . . . .	2
Denied . . . . .	1
Affirmed/Reversed/Remanded . . . . .	1
Reversed/Remanded . . . . .	2
Vacated/Dismissed as Moot . . . . .	1